

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

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MAGA'HÅGA • GOVERNOR



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September 24, 2019

Independent Guahan
Litekyan Landowners
Prutehi Litekyan
Fuetsan Famalao'an
Organization of People for Indigenous Rights
Nasion CHamoru
Haya Foundation
Young Men's League of Guam (YMLG)
Guahan Coalition for Peace and Justice
Our Islands are Sacred
Mane'lon Marianas
Manhoben Para Guahan
Chief Hurao, Inc.
Ulitao, Inc.
Guam Fishermen's Cooperative Association
Duk Duk Goose, Inc (Nihi!)
GCC EcoWarriors
Micronesia Climate Change Alliance
ChamGlam Botanika
Health Shack
Z's Green Canteen
Maisa
Alternative Zero Coalition
Guardians of Gani'
Tinian Women's Association
Pagan Watch
The Peace for Okinawa Coalition
David Lotz

Re: Request to meet to discuss military build up issues



Hafa Adai,

Thank you for your letter of August 12, 2019 regarding an initial meeting in July, 2019 where there was an exchange of opinions on the issue of military buildup activities on Guam. As the Governor of Guam, I hereby respond to your organizations' recent inquiry following-up on the government of Guam's efforts and responsibilities during the current buildup phase. I am hopeful that you find the information useful.

Appoint a Special Task Force

In 2010 the first meeting was convened for the Civilian Military Coordinating Council (CMCC). The CMCC is Co-chaired by the sitting Joint Region Marianas (JRM) Admiral and myself as the Governor of Guam. The next CMCC meeting did not take place until April 2018 when the CMCC Charter was signed. The purpose of the CMCC is to set the pace of the military construction projects via working groups presenting issues that could impede the construction schedule of a project at numerous points in the planning phases from start to completion. The potential/existing problem is evaluated, presented for discussion and determination if the Chairs are comfortable with mitigation plans in order to proceed. If not, the matter enters into a dispute resolution process.

The U.S. military is represented by the Commander Joint Region Marianas. In addition, there are seven (7) federal agencies represented on the CMCC: Department of the Interior, Office of Insular Affairs, National Park Service, NOAA-NMFS, the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency (USEPA), the US Department of Agriculture and the U.S. Department of Transportation.

The government of Guam is represented by myself as Governor, the Military Buildup Office (MBO), Bureau of Statistics and Planning (BSP), Department of Labor (GDOL), Department of Land Management, Department of Parks and Recreation, the Historic Preservation Division, Department of Agriculture, Guam Environmental Protection Agency (GEPA), Department of Public Health and Social Services, Department of Public Works, Guam Water Authority, Guam Power Authority and the Port Authority of Guam.¹ I have assembled a CMCC working group composed of aforementioned government of Guam agencies including the Speaker of the 35th Guam Legislature who maintains oversight responsibilities as the Chair of the Committee on Public Accountability, Human Resources, and the Guam Buildup.

Each government of Guam CMCC working group member is advised by legal advisors, subject matter experts (SME), community stakeholders and environmentalists. The working groups have been meeting regularly in preparation for the next CMCC meeting that will be convened before the end of the year.

Provide a status report on Gov Guam oversight and mitigation efforts

¹ Civilian Military Coordinating Council signed on Guam April 12, 2018.

The government of Guam continues to implement mitigation efforts through numerous regulatory agencies such as GEPA, BSP's Coastal Management, and the State Historic Preservation Office. In addition, the MBO and other GovGuam agencies continue to pursue and secure grants to assist with mitigation efforts in environment, cultural & historic preservation, job training, utilities/infrastructure, economic development, fiscal impact and grants management.

The 2015 SEIS carried a determination that the government of Guam would need an additional one hundred eighty-five (185) employees between 2021 and 2028 to ensure that the military build up complies with all federal and local laws and regulations to safeguard our culture, communities and environment.² We are currently pursuing numerous strategies to ensure the Federal Government or Department of Defense (DOD) supports funding the additional employees to deal with military buildup mitigation efforts to include a grant to revisit the 2015 SEIS determination for additional employees. This grant proposal will take current day buildup activities and impacts to determine the level of staffing capacity for aggressive planning review and compliance.

Critical to our mitigation efforts is to ensure that DOD returns all the land they are not using so that we can reduce the DOD footprint and prevent the opportunities to grow additional training activities beyond what has been identified and planned for the military buildup. The Guam Economic Development Authority has identified two thousand six hundred (2,600) acres of terrestrial land and seventeen thousand (17,000) acres of submerged land that is excess and we have submitted to the Secretary of the Navy our intentions to seek the land return.³ GEDA and JRM are meeting on a regular basis in a working group to discuss ongoing excess land issues.

Establish a plan for enhanced monitoring of impacts to Northern Guam Lens Aquifer-(NGLA)

JRM and GWA have agreed to cooperate in all aspects of water resource development for the long term, sustainable management of the NGLA and management of wastewater collection and discharge. In 2010, JRM and the Guam Waterworks Authority entered into an MOU that will lead to GWA taking over the Navy water system just as GPA took over the Navy power system years ago.⁴

The 2010 MOU establishes a technical advisory group, which includes regulatory oversight of the GEPA and technical experts from the U.S. Geological Survey (USGS) and the University of Guam's Water and Environmental Research Institute (WERI).

² Guam-CNMI Military Relocation (2012 Roadmap Adjustments) SEIS Final July 2015 ES-32.

³ Gov Lou Leon Guerrero letter to Richard Spencer Secretary of the Navy on the return of excess land August 8, 2019

⁴ July 10, 2010 MOU between GWA and DOD signed futures section of the MOU states that GWA and DOD "...will agree to evaluate opportunities to integrate military and civilian water on Guam. Such integration may involve the future transfer of production, distribution, collection and treatment systems from DOD to GWA."

GWA, WERI, and USGS have a partnership project grant to install additional monitoring wells to study the capacity and behavior of the aquifer. The primary goal of the grant is the protection and sustainment of the NGLA through the implementation of additional water resource monitoring and management tools which will be designed to insure that the relocation of military assets to Guam do not adversely affect the civilian infrastructure systems or resources. There will be seven (7) new monitoring wells and twelve (12) rehabilitated existing monitoring wells. By July 2021 there will be twenty-four (24) monitoring wells that will study the aquifer.⁵

In addition, GWA takes samples quarterly for each of its production wells. This report is reviewed by GEPA and USEPA. The report and additional information can be found on the USEPA website⁶.

During a recent meeting of the water resource working group, information was provided that the most troubling sources of contamination to the northern water lens are septic tanks found on small lots, illegal dumping, non functioning ponding basins and sinkholes, all of which are outside the DOD footprint and are the responsibility of the government of Guam⁷.

It is a goal of my Administration to provide adequate infrastructure for CHamoru Land Trust lots, reduce illegal dumping and restore ponding basins and sinkholes in order to facilitate the flow of fresh water into the aquifer.

As part of mitigation measures to reduce withdrawals from the NGLA for the Marine Corps Relocation, the military committed to enhanced water conservation measures for the new base, maintenance of existing DOD potable water systems to reduce system leaks, adjustment of pumping rates at DOD wells, and increasing the use of existing wells and/or surface water from Fena Reservoir to reduce withdrawals from the Northern Guam Lens.⁸

Accessing future DOD development plans and construction projects for aggressive local review

Our Administration will ensure that all projects approved for construction by the military will be posted online. Further, the DOD is required by law to award all Military Construction projects on a competitive basis and have announcements available on the Federal Business Opportunities website⁹. The public can also retrieve project descriptions from Naval Facilities Engineering Command¹⁰ or the MBO.

Preserving historic properties and artifacts in place

⁵ **Northern Guam Lens Aquifer (NGLA) Monitoring System Expansion/Rehabilitation Project**, as part of the Guam Water and Wastewater Infrastructure program funded by \$3.7 million grant from the Office of Economic Adjustment (OEA).

⁶ <https://www.epa.gov>

⁷ Water Resources Working Group Northern Guam Lens Aquifer meeting minutes 8/28/19

⁸ DOD Instruction 4170.11 Dec 2009 page 20.

⁹ <https://www.fbo.gov>

¹⁰ <https://www.navfac.navy.mil>

When preserving in place is deemed necessary, it is done and that is not just on a military base while under construction. When it is not possible to preserve in place, the Government of Guam has allowed for data recovery of historic and cultural significant findings in local law.¹¹

Part of the problem with data recovery, I believe, is that we don't see what has been recovered. Historic interpretation of a site depicting how it was used showcasing pottery shards, shells, and tool implements would help to strengthen our cultural roots. The Guam Historic Review Board is working with JRM to establish a historic interpretive area for the Magua site.

My Administration feels that the capacity of the Guam Museum and the Cultural Repository are not enough and that more must be done to showcase what has been discovered by historians, anthropologists, linguists and archaeologists these many years. The current Guam Museum is not large enough to curate and display all the artifacts on hand now and will be found during construction.

The current Programmatic Agreement (PA) contains a section where DOD has committed to advocate for additional federal funding for a large museum complex and we will continue to push for this item in the upcoming PA negotiations.¹² We have to get our precious artifacts out of boxes and put them on display for our people to see, touch and learn from.

Military to provide maps of where historic properties and artifacts are located

There are two sets of property maps in regards to historic properties: one for the property owner and the State Historic Preservation Office and one that is available to the public. The reason behind this is simple: it avoids any potential destruction or tampering of historic properties. The Guam Historic Preservation Officer is working diligently within the purview of federal and local preservation laws to protect and preserve our precious historic sites and properties. My office is working closely with the SHPO to increase his technical staffing capacity in order to increase our vigilance of construction sites on behalf of our cultural heritage.

Assess economic impacts/benefits via contracts and jobs for people of Guam

Our Administration through the Guam Economic Development Authority (GEDA) recently released the Guam Comprehensive Economic Development Strategy (CEDS) report outlining the current economic condition of our island as well as our administrations priorities for economic development¹³. The report captures many challenges that face our island related to construction activity and job creation. Other initiatives to address economic development is the most recent federal grant award to GEDA to conduct an update to a previous study conducted in 2010 on the fiscal impacts to Guam resulting from buildup activities. The updated study will also include identifying policy or procurement weaknesses and recommendations to capture

¹¹ 21 GCA Real Property Ch 76 Historical objects and sites section 76504 Treatment of human remains

¹² Programmatic Agreement Military relocation to Guam and Tinian page 24 section (b)

¹³ <http://www.investguam.com/wp-content/uploads/2019/Guam%20CEDS%202020-2025.pdf>

more revenue. This analysis will also provide Guam a clearer picture of the number of companies awarded military contract work.

Furthermore, my Administration is committed to supporting workforce development programs. We are working closely with the Guam Department of Labor (GDOL) to address workforce development challenges. As such, GDOL, the Guam Community College, University of Guam (UOG), and the Trades Academy have all geared up to add more certified training and degree programs to ensure our people get the skills they need to take advantage of military growth opportunities for employment. GDOL also issues labor reports on employment statistics to capture job creation data from the military buildup.

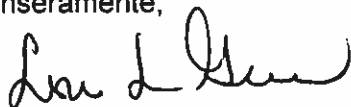
For our Guam small businesses, training in business development and navigating federal procurement opportunities and contracting processes is available through UOG, Small Business Development Center and the Guam Procurement Technical Assistance Center.

I understand the need to get as many subject matter experts as possible to review the myriad of construction and funding projects that are underway or soon will be. I want to be as informed as possible when making the decisions that are required of me and to be able to take the time I need to be confident the pace of construction does not overwhelm our ability to monitor compliance with local and federal laws.

There are a number of GovGuam and federal websites offering up listing of key documents, past, present and future and I think adding links to all of them on my official Governor website will allow another opportunity for increased review of build up activities for islanders wanting to get involved and making their voices heard.

In closing, let me assure you that the genuine balancing of local, regional and national security concerns and the preservation of our historic, cultural and ancestral history of our people is my priority. It is a delicate balancing act and it is done on the bedrock of our people's survival.

Senseramente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam